

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

JOE J. DIPASQUALE and wife,
BRENDA G. DIPASQUALE,

Plaintiff,

vs.

THE MAIN STREET AMERICA GROUP,

Defendant.

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No. _____
JURY DEMAND

NOTICE OF REMOVAL

The above-named Defendant, The Main Street America Group¹, pursuant to 28 U.S.C. § 1441, et seq. for its Notice of Removal of an action instituted by the above-named Plaintiffs against it as Defendant, shows unto the Court:

1. Plaintiffs are citizens and residents of Daytona, Florida, and so plead in their Complaint. Plaintiffs own property in Hawkins County, Tennessee and so plead in their Complaint. Plaintiffs lived in Tennessee at the time of their alleged property loss which allegedly occurred in Tennessee.

2. Defendant The Main Street America Group is not a legal entity. Main Street America Group Mutual Holdings, Inc. is the parent company / holding company of NGM. The proper party should be NGM Insurance Company (“NGM). The Main Street America Group is incorporated under the laws of the State of Florida with its corporate headquarters and principal

¹ Plaintiffs have sued a non-entity. The proper entity should be NGM Insurance Company as stated on the insurance policy declarations page. NGM is incorporated under the laws of Florida.

place of business located at 4601 Touchton Road East, Jacksonville, FL 32246. The Main Street America Group was not on August 4, 2013, or any time before or after said date, up to and including the date this action was filed in the Circuit Court for Hawkins County at Rogersville, Tennessee on April 29, 2015, or on the date of the filing of this Notice of Removal, incorporated under the corporate statutes or other applicable law of the State of Tennessee, and has not at any time prior to or subsequent to April 29, 2015, and including the date of the filing of this Notice of Removal, had its principal places of business in Tennessee.

3. The citizenship of the respective parties was the same as herein alleged at the time of the commencement of this action in the Circuit Court for Hawkins County, Tennessee, and on the date of the filing of this Notice of Removal.

4. On April 29, 2015, Plaintiffs instituted an action against a non-entity improperly named as The Main Street America Group in the Circuit Court for Hawkins County, Tennessee, by filing in said Court a Summons for the said Defendant and, at the initial pleading, a Complaint. Plaintiffs seek from said improper Defendant proceeds of an insurance policy for alleged coverage(s) under the insurance policy, plus a statutory 25% Bad Faith penalty and attorneys' fees. The limit(s) of liability for personal property under the insurance policy at issue are \$82,492.00.

5. The Main Street America Group has made no payments to the Plaintiffs.

6. The Summons and Complaint issuing from the Clerk's Office of the Circuit Court for Hawkins County at Rogersville, Tennessee, was served on the Defendant on May 18, 2015.

7. Less than thirty (30) days have transpired since service of the suit to this Defendant, up to and including the date of the filing of this Notice of Removal.

8. Defendant files with its Notice of Removal the following documents, which constitute, to the best of Defendant's knowledge, all process, pleading, notices and order that have been filed in this action to date:

Ex. A - Summons and Complaint filed in the Hawkins County Circuit on April 29, 2015;

Ex. B – Notice to Plaintiff of Filing of Notice of Removal;

Ex. C – Notice to State Court of Filing of Notice of Removal (which will be forwarded to the Hawkins County Circuit Court as of the date of the filing this Notice of Removal;

Ex. D – Certificate of Service;

Ex. E – Disclosure Statement; and

Ex. F – Declaration Page of Plaintiffs' Policy with NGM Insurance Company.

9. For the reasons set forth herein, as demonstrated by the policy limit, the amount in controversy in said action herein referred to exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs. This suit is to determine the rights under an insurance policy as a result of an alleged theft and/or vandalism.

WHEREFORE, Defendant The Main Street America Group prays that this Court accept this Notice of Removal and proceed with this action in accordance with law.

Respectfully submitted,

**THE MAIN STREET AMERICA
GROUP**

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